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REMEDIES IN TORT

Klar

Release No. 5, June 2026

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This five-volume national work provides thorough coverage of the law relating to recovery in tort actions in Canada. The first three volumes focus on specific torts while the fourth volume covers substantive and procedural issues common to all tort litigation. The first volume also includes the Master Table of Contents. The final volume includes a Table of Cases, and a comprehensive index.

What's New in This Release

This release features updates to the case law and commentary in Chapters 2 (Assault and Battery), 5 (Deceit), 6 (Defamation), 16 (Negligence (General)), 18 (Professional Negligence), 19 (Negligence (Special)), 20 (Nuisance), 24 (Strict Liability), 29A (Vicarious Liability), and 30 (Damages).

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Highlights

CHAPTER 20—NUISANCE—Plaintiff and defendant were joint owners of family cottage inherited from mother; plaintiff alleges that defendant interfered with his quiet enjoyment of the cottage during his allotted time by repeatedly driving by the cottage and/or calling and texting while the plaintiff was at the cottage; trial judge dismisses claim in negligence as interference with land direct (meaning interference did not originate outside the plaintiff's land); moreover the communication between plaintiff and defendant was not intimidating and mostly focused on the care and maintenance of the cottage: *Poole v. Poole*, 2026 ONSC 1545.

CHAPTER 24—STRICT LIABILITY—Appellant was the lessor of a gas station from which fuel tanks under the station leaked fuel on to the respondent's property and caused damage to her drinking well and fruit trees. The appellant challenged the idea that they were the person liable as per *Rylands v. Fletcher* because they did not run the gas station and/or were owners of the fuel and containment of fuel an ordinary use of land given the prevalence of gas stations; these arguments ultimately rejected at the Privy Council on the basis that (i) the appellant caused fuel to be brought on to the property by leasing it as a gas station and (ii) bearing responsibility for the underground fuel storage tanks; moreover the storage of fuel was one of a large proportion of people and carried significant risks and thus was not ordinary: *Rubic Bahamas Ltd. v. Lilian Antoinette Russell*, [2026] UKPC 9.